

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DEON ANTHONY ROMELL BAILEY,

Defendant.

No. CR15-1017-LRR

**ORDER**

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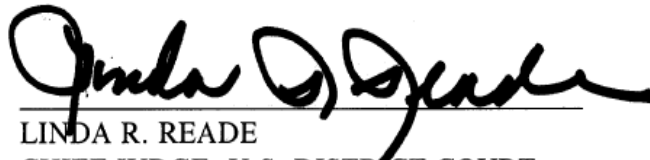
This matter comes before the court on the defendant's pro se motion to sever and dismiss indictment (docket no. 19). The defendant filed such motion on August 24, 2015.

The defendant filed his motion to sever and dismiss indictment while represented by counsel. This is impermissible. The defendant does not have a constitutional right to hybrid representation, that is, the defendant must either choose to proceed pro se or choose to utilize the full assistance of counsel who would present his defense. *See United States v. Swinney*, 970 F.2d 494, 498 (8th Cir. 1992); *see also United States v. Lewis*, 738 F.2d 916, 924 (8th Cir. 1984) (stating "[a] defendant in a criminal case does not have a constitutional right both to represent himself and to be represented by counsel" (citing *United States v. Olson*, 576 F.2d 1267, 1270 (8th Cir. 1978))); *United States v. Williams*, 534 F.2d 119, 123 (8th Cir. 1976) (stating "a criminal defendant has a right to represent himself or, alternatively, to be represented by counsel" (citing *Faretta v. California*, 422 U.S. 806, 95 S. Ct. 2525, 45 L. Ed. 2d 562 (1975))); *cf. United States v. Blum*, 65 F.3d 1436, 1443 n.2 (8th Cir. 1995) (noting it is Eighth Circuit policy to refuse to consider pro se filings when a party is represented by counsel (citing *Hoggard v. Purkett*, 29 F.3d 469, 472 (8th Cir. 1994))). Because he is currently being represented by Melanie S. Keiper, the court need not address the instant motion. Accordingly, the defendant's pro se motion

to sever and dismiss indictment (docket no. 19) is denied without prejudice. If counsel deems it appropriate to have the court address the issues raised by the defendant, counsel is directed to submit a proper motion. The clerk's office is directed to send a copy of this order to the defendant.

**IT IS SO ORDERED.**

**DATED** this 25th day of August, 2015.



LINDA R. READE  
CHIEF JUDGE, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF IOWA